

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GARY FREEMAN,

Plaintiff,

-v-

IOWA SPORTS MANAGEMENT,

Defendant.

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No. 10 Civ. 3349 (RJS) (RLE)

ORDER ADOPTING REPORT AND
RECOMMENDATION

RICHARD J. SULLIVAN, District Judge:

On April 14, 2010, Plaintiff Gary Freeman, who is proceeding *pro se*, filed a complaint against Defendant Iowa Sports Management, alleging violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* The Court referred this matter to the Honorable Ronald L. Ellis, Magistrate Judge, on April 29, 2010. A service package was mailed Plaintiff on June 24, 2010. In an Order dated September 15, 2010, Judge Ellis required Plaintiff to serve Defendant with fifteen days of the date of the Order or show cause why his Complaint should not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.


On October 29, 2010, Judge Ellis issued a Report and Recommendation (the "Report"), recommending dismissal without prejudice under Rule 4(m). He made this recommendation because "Plaintiff ha[d] failed to serve Defendant, and ha[d] not contacted the Court or otherwise shown good cause why service has not been effectuated." (Report at 1.) In the Report, Judge Ellis advised the parties that failure to file timely objections within fourteen days from service of the Report would constitute a waiver of those objections. *See* 28 U.S.C.

§ 636(b)(1)(C); Fed. R. Civ. P. 72(b). No party has filed objections to the Report, and the time to do so has expired. *Cf. Frank v. Johnson*, 968 F.2d 298 (2d Cir. 1993).

When no objections to a report and recommendation are made, the Court may adopt the report if there is no clear error on the face of the record. *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005); *La Torres v. Walker*, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000). After conducting a thorough review of the record, the Court finds that Judge Ellis's well-reasoned and persuasive Report is not facially erroneous. Accordingly, the Court adopts the Report in its entirety. For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff's Complaint is dismissed without prejudice for failure to timely serve Defendant.

SO ORDERED.

Dated: November 18, 2010
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

Copy mailed to:

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